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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,222	09/14/2000	Rogelio Sosa	NETS:0004	2445
26122 7590 06/10/2008 LAW OFFICES OF GARY R. STANFORD 330 W OVERLOOK MOUNTAIN RD BUDA, TX 78610				
EXAMINER COLBERT, ELLA				
ART UNIT 3696		PAPER NUMBER		
MAIL DATE 06/10/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/662,222

**Applicant(s)**

SOSA ET AL.

**Examiner**

Ella Colbert

**Art Unit**

3696

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-13, 15-29, 31, 32, 34-42 and 44-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, 15-29, 31, 32, 34-42, and 44-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notices of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-5, 7-13, 15-29, 31, 32, 34-42, and 44-48 are pending and no claims have been amended in this communication filed 3/11/08 entered as Response to Non-Final Action. No claims have been amended in this communication.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 7-13, 15-29, 31, 32, 34-42, and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,577,109) Stimson et al, hereafter Stimson in view of (US 6,473,500) Risafi et al, hereafter Risafi.

As per claims 1 and 26, Stimson discloses, A method of issuing and transacting charge numbers by an issuing and transaction system using an electronic communications network (58), comprising: receiving a plurality of valid charge numbers from an issuing bank, wherein each valid charge number is acceptable to an entity that accepts valid charge numbers that are provided to a charge settlement network and routed by the charge settlement network to the issuing and transaction system for validating transactions(col. 3, line 55- col. 4, line 4); storing the plurality of valid, charge numbers in a memory device of the issuing and transaction system(col. 2, line 50- col. 3, line 6); establishing a prepaid cash account for a user in exchange for cash (col. 5, line 65 –col. 6, line 19); detecting a request by the user via the electronic communications network for one of a plurality of valid charge numbers (col. 6, lines 20-44); associating one of the plurality of valid charge numbers with the prepaid cash account (col. 6, lines 45-65); providing, via the electronic communications network, the associated valid charge number in response to the request (col. 7, lines 26-45); detecting, via the charge settlement network, a purchase transaction using the associated valid charge number between the user and a merchant (col. 6, line 66-col. 7, line 25); and authorizing the purchase transaction if a cash balance of the prepaid cash

account is sufficient for a purchase amount of the purchase transaction (col. 6, lines 20-44). Stimson did not expressly disclose the charge numbers were from an issuing bank. Risafi discloses, the charge numbers are from an issuing bank (col. 7, lines 19-55) It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the cards issued from a bank and to modify in Stimson with the teachings of Risafi because this would allow Stimson to have a pre-paid card with a unique identifier with the capability to exchange the card for currency and to transfer funds from a pre-paid card account to a merchant account if the transaction is authorized.

As per claims 2 and 27, Stimson discloses, wherein providing the selected valid charge number by the issuing and transaction system comprises providing the selected valid charge number to the user (col. 6, lines 20-44).

As per claims 3 and 28, Stimson failed to disclose, wherein providing the selected valid charge number by the issuing and transaction system comprises providing the selected valid charge number to the user via a telephonic network. Risafi discloses, wherein providing the selected valid charge number by the issuing and transaction system comprises providing the selected valid charge number to the user via a telephonic network (col. 7, line 56-col. 8, line 4).

As per claims 4 and 29, Stimson failed to disclose, wherein the detecting a request comprises detecting an online purchase transaction between an online merchant and the user via a computer communications network. Risafi discloses, wherein the detecting a request comprises detecting an online purchase transaction

between an online merchant and the user via a computer communications network (col. 10, lines 32-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Stimson to have a means of making an online purchase from an online merchant.

As per claims 5 and 32, Stimson failed to disclose, further comprising: the detecting a request comprises detecting, by the issuing and transaction system, an online purchase transaction between an online merchant and the user via a computer communications network; and the providing the selected valid charge number by the issuing and transaction system comprises providing the selected valid charge number to the online merchant via the computer communications network. Risafi discloses, the detecting a request comprises detecting, by the issuing and transaction system, an online purchase transaction between an online merchant and the user via a computer communications network; and the providing the selected valid charge number by the issuing and transaction system comprises providing the selected valid charge number to the online merchant via the computer communications network (col. 10, line 32-col. 11, line 17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Stimson to perform Internet shopping without having to provide sensitive account information to the merchant.

As per claims 7 and 31, Stimson discloses, further comprising: expiring, by the issuing and transaction system, the selected one of the plurality of valid charge numbers employed to consummate the purchase transaction (col. 6 lines 45-65).

As per claims 8 and 32, Stimson discloses, expiring, by the issuing and transaction system, each of the plurality of provided valid charge numbers used to consummate the plurality of purchase transactions (col. 7, lines 2-25). These dependent claims are also rejected for the similar rationale as above for claims 1 and 26.

As per claim 9, Stimson discloses, The method of claim 1, further comprising: clearing, by a merchant, the purchase transaction via a charge settlement network (col. 4, line 66- col. 5, line 6).

As per claim 10, Stimson discloses, The method of claim 9, further comprising: settling, by a merchant processor associated with the merchant, the purchase transaction through the charge settlement network (col. 6, lines 45-65).

As per claim 11, Stimson failed to disclose, The method of claim 10, further comprising: deducting, by the merchant processor, a merchant discount for the merchant. Risafi discloses, The method of claim 10, further comprising: deducting, by the merchant processor, a merchant discount for the merchant (col. 12, lines 10-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Stimson to be given a discount for the consumer using the pre-paid card with the merchant's logo on the card.

As per claim 12, Stimson failed to disclose, The method of claim 9, further comprising: routing, by a switch network of the charge settlement network, the selected one of the plurality of valid charge numbers to a predetermine processor for the plurality of valid charge numbers. Risafi discloses, The method of claim 9, further comprising: routing, by a switch network of the charge settlement network, the selected one of the plurality of valid charge numbers to a predetermine processor for the plurality of valid charge numbers (col. 3, lines 53- col. 4, line 16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Stimson to have a prepaid card that addresses the problems of merchant-based prepaid cards and to have a card that is more flexible than the typical card,

As per claim 13, Stimson failed to disclose, further comprising: pre-certifying, by an issuing bank, the issuing and transaction system as processor for the plurality of valid charge numbers; and the routing by the switch network comprising routing the selected one of the plurality of valid charge numbers to the issuing and transaction system. Risafi discloses, further comprising: pre-certifying, by an issuing bank, the issuing and transaction system as processor for the plurality of valid charge numbers; and the routing by the switch network comprising routing the selected one of the plurality of valid charge numbers to the issuing and transaction system (col. 4, line 61- col. 5, line 17 and col. 6, lines 38-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Stimson to go to a issuing



bank and to have a randomly generated unique temporary credit transaction number to be issued from a single purchase transaction for a short period of time.

As per claims 15 and 34, Stimson discloses, the authorizing comprises returning, by the issuing and transaction system, authorization information via the charge settlement network (col. 2, lines 31-49).

As per claim 16, this dependent claim is rejected for the similar rationale as given above for claims 9, 10, and 12.

As per claim 17, Stimson failed to disclose, wherein the processing by the issuing and transaction system further comprises: verifying, by the issuing and transaction system, a charge number received via the charge settlement network with the selected valid charge number. Risafi discloses, wherein the processing by the issuing and transaction system further comprises: verifying, by the issuing and transaction system, a charge number received via the charge settlement network with the selected valid charge number (col. 4, line 16-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Graves to have the charge number verified and validated for the customer for a transaction.

As per claims 18, 35, and 36, Stimson failed to disclose, generating, by the issuing and transaction system, a valid expiration date corresponding to the selected valid charge number; providing, by the issuing and transaction system via the electronic communications network, the corresponding valid expiration date with the selected valid charge number; and the processing by the issuing and transaction system further

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comprising verifying an expiration date received via the charge settlement network with the corresponding valid expiration date. Risafi discloses, further comprising: generating, by the issuing and transaction system, a valid expiration date corresponding to the selected valid charge number (col. 4, line 61-col. 5, line 10); providing, by the issuing and transaction system via the electronic communications network, the corresponding valid expiration date with the selected valid charge number (col. 12, lines 20-51); and the processing by the issuing and transaction system further comprising verifying an expiration date received via the charge settlement network with the corresponding valid expiration date (col. 12, line 52- col. 13, line 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings Risafi because such a modification would allow Stimson to have a mock or faux expiration date for the credit transaction number.

As per claim 19, Stimson and Risafi failed to disclose, wherein the processing by the issuing and transaction system further comprises: comparing, by the issuing system, a purchase amount received via the charge settlement network with a corresponding cash balance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the processing by the issuing and transaction system further comprise: comparing, by the issuing system, a purchase amount received via the charge settlement network with a corresponding cash balance because this would allow for a system that issues a card for a specific amount and for a specific date and time for a transaction and once the transaction is settled the card is no longer valid.

As per claim 20, Stimson discloses, further comprising: authorizing and settling, by the issuing and transaction system, the purchase transaction (col. 5, lines 27-42).

As per claim 21, Stimson failed to teach, further comprising: authorizing and settling, by the issuing and transaction system, a plurality of purchase transactions, each associated with a corresponding one of the plurality of valid charge numbers; and sending, by the issuing and transaction system, a plurality of settled purchase transactions to a sponsoring bank via an automated clearing house (ACH) batch transfer. Risafi discloses, further comprising: authorizing and settling, by the issuing and transaction system, a plurality of purchase transactions, each associated with a corresponding one of the plurality of valid charge numbers; and sending, by the issuing and transaction system, a plurality of settled purchase transactions to a sponsoring bank via an automated clearing house (ACH) batch transfer (col. 10, lines 32-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Risafi to have a system that can send a transaction number or similar transaction information to a merchant for settlement of a purchase.

As per claim 22, Stimson and Risafi failed to disclose, settling, by the sponsoring bank, the plurality of purchase transactions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to settle by the sponsoring bank, the plurality of phase transactions because this would allow Stimson and Risafi's systems to have a financial repository for holding and transferring funds associated with a transaction.

As per claims 23 and 38, Stimson and Risafi failed to disclose, the detecting a request comprises detecting, by the issuing and transaction system, an online purchase transaction between an online merchant and the user via a computer communications network; and establishing, by the issuing system, an electronic mail account that enables communication between the online merchant and the user via the computer communications network. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the detecting a request comprises detecting, by the issuing and transaction system, an online purchase transaction between an online merchant and the user via a computer communications network; and establishing, by the issuing system, an electronic mail account that enables communication between the online merchant and the user via the computer communications network because such a system would have the capability to send a message if the purchase transaction is approved or not approved by the merchant.

As per claims 24, 39, and 40, Stimson and Risafi failed to disclose, generating, by the issuing and transaction system, an email address linked to a prepaid cash account associated with the user; and providing; by the issuing system; the email address to the online merchant during the purchase transaction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to generate by the issuing and transaction system, an email address linked to a prepaid cash account associated with the user; and providing; by the issuing system; the email address to the online merchant during the purchase transaction because this would

allow for the ability to send a message to the user as to whether the purchase has been approved or denied.

As per claims 25 and 41, These dependent claims are rejected for the similar rationale as given above for claim 18.

As per claim 37, Stimson failed to disclose, wherein the charge settlement network comprises an electronic funds transfer (EFT) network. Risafi discloses, The charge number issuing system of claim 31, wherein the charge settlement network comprises an electronic funds transfer (EFT) network (col. 13, line 18-col. 14, line 30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the charge settlement network comprise an electronics funds transfer (EFT) network and to modify in Stimson with the teachings of Risafi because such a modification would allow Stimson to have a secure means to transfer funds and to provide real time credit.

As per claim 42, Stimson failed to disclose, A charge number issuing and processing system for issuing valid charge numbers via a electronic communications network and for processing the valid charge numbers via a charge settlement network, comprising: an issuing and transaction system, comprising: a storage device that stores a plurality of valid charge numbers issued by an issuing bank; a communication system for coupling to and enabling communications with the electronic communications network; and a transaction system, coupled to the storage device and the communication system, that detects requests for charge numbers via the electronic communications network and that provides a selected one of the plurality of valid

charge numbers via the electronic communications network in response to the request. Risafi discloses, A charge number issuing and processing system for issuing valid charge numbers via a electronic communications network and for processing the valid charge numbers via a charge settlement network, comprising: an issuing and transaction system, comprising: a storage device that stores a plurality of valid charge numbers issued by an issuing bank; a communication system for coupling to and enabling communications with the electronic communications network; and a transaction system, coupled to the storage device and the communication system, that detects requests for charge numbers via the electronic communications network and that provides a selected one of the plurality of valid charge numbers via the electronic communications network in response to the request and a processor system, coupled to the transaction system, for coupling to and enabling communications with the charge settlement network and a switch network, for coupling to the charge settlement network, that routes any of the plurality of valid charge numbers entered into the charge settlement network to the issuing and transaction system for processing (col. 11, line 1-col. 13, line 62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Stimson to have the ability to communicate with a charge settlement network and to route valid charge numbers to the charge settlement network.

As per claim 43, Stimson failed to disclose, the storage device storing an accounts database including at least one prepaid cash account; and the transaction

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system configured to authorize a purchase transaction submitted for authorization via the charge settlement network with selected one of the plurality of valid charge numbers if a cash balance in a prepaid cash account is sufficient to cover a purchase amount of the purchase transaction. Risafi discloses, the storage device storing an accounts database including at least one prepaid cash account; and the transaction system configured to authorize a purchase transaction submitted for authorization via the charge settlement network with selected one of the plurality of valid charge numbers if a cash balance in a prepaid cash account is sufficient to cover a purchase amount of the purchase transaction (col. 10, lines 1-31). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stimson with the teachings of Risafi because such a modification would allow Risafi to have a database or memory for storing transaction accounts and valid charge numbers.

As per claim 44, this dependent claim is rejected for the similar rationale as given above for claim 16.

As per claim 45, this dependent claim is rejected for the similar rationale as given above for claim 38,

As per claim 46, this dependent claim is rejected for the similar rationale as given above for claim 39.

As per claim 47, this dependent claim is rejected for the similar rationale as given above for claim 35.

As per claim 48, this dependent claim is rejected for the similar rationale as given above for claim 28.

***Response to Arguments***

Applicants' arguments filed 03/11/08 have been fully considered but they are not persuasive.

Issue no. 1: Applicants' argue: Stimson in view of Risafi does not show "detecting a request by the user via the electronic communications network for one of a plurality of valid charge numbers, providing via the electronic communications network, the associated valid charge number in response to the request and the numbers are not requested by the user via the electronic communications network in response to the request as recited in claim 1. Also, Stimson does not show or suggest receiving a valid charge number in response to a request conducted via an electronic communication network and there is not suggestion within either reference for providing valid charge numbers via an electronic response to a request and since the numbers are generally already encoded or printed on a card there is no motivation or need for doing so has been considered but is not persuasive. Response: It is obvious the user would have to make a request for a valid charge number, otherwise there would not be any need for the user to get a charge number. This claim limitation the manner in which it is interpreted could be at least two ways. The first way is that the user who is using a communications network requests a valid charge number and second that the communications network detects a request from a user to issue a valid charge number. There is a lack of clarity in this claim limitation as written. Therefore, it is interpreted that Stimson does disclose this claim limitation in col. 6, lines 20-44. If the charge



numbers are not encoded and known to be valid numbers. It is unclear how they become valid charge numbers?

Issue no. 2: Applicants' argue: Stimson in view of Risafi does not show a charge number issuing and transaction system and authorizing valid charge numbers via an electronic communications network including a storage device which stores a plurality of valid charge numbers issued by an issuing bank and "an issuing and transaction system, coupled to the storage device and the network system that detects a request by a user for a charge number via the electronic communications network and that issues a selected one of the plurality of valid charge numbers via the electronic communications network in response to the request as recited in claim 26 has been considered but is not persuasive. Response: Risafi discloses that the card is shipped to the agent without a PIN and a value pre-stored on the card. The card does not acquire a PIN until the user purchases the card and selects a PIN and the initial account is activated in col. 7, lines 19-55.

Issue no. 3: Applicants' argue: Stimson in view of Risafi does not show a charge number issuing and transaction system for issuing valid charge numbers via an electronic communications network including an issuing and transaction system comprising a storage device that stores a plurality of valid charge numbers issued by an issuing bank, a communication system and "a transaction system coupled to the storage device and the communication system, that detects requests for charge numbers via the electronic communications network" and "that provides a selected one of the plurality of valid charge numbers via the electronic communications network in

response to the request "as recited in claim 42 and in claims 3 and 28 Risafi discusses a PIN number which is not written on a card but instead chosen by the user and the PIN is not a valid charge number provided by an issuing bank and is not provided by the user via a telephonic communications system in response to the request has been considered but is not persuasive. Response: Risafi does disclose a card that can be used in place of prepaid telephone cards and there are two ways of activating a card- individual and batch activation. It is also possible for the issuer to activate the card on the card user's behalf.

During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow. *In re Zletz* 13 USPQ2d, 1320 (Fed. Cir. 1989).

Claims in a pending application should be given their broadest possible interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

We are not persuaded by an sound reason why, at any time before the patent is granted, an applicant should have limitations of the specification read into a claim where no express statement of the limitation is included in the claim ... However, this court has consistently taken the tack that claims yet unpatented are to be given the broadest reasonable interpretation consistent with the specification during the examination of a patent application since the applicant may then amend his claims, the thought being to reduce the possibility that, after the patent is granted, the claims may be interpreted as giving broader coverage than is justified. *In re Prater*, 162 USPQ 541 (CCPA 1969).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Muftic (US 5,850,442) disclosed electronic transactions that can be securely performed utilizing smart token technology.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **Inquiries**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dixon Thomas can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/  
Primary Examiner, Art Unit 3696

June 2, 2008